

IN THE SENATE OF THE UNITED STATES.

JANUARY 31, 1891.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 18.]

The Committee on Military Affairs, to which was referred S. 2204 and H. R. 18, "to remove the charge of desertion from the record of Michael Flaherty," have duly considered the same and submit the following report:

These two bills are in the same words, and direct the Secretary of War to so amend the records as to remove the charge of desertion from the record of Michael Flaherty, a late private in Company H, Ninety-first Regiment New York Volunteers, and to grant him an honorable discharge as of date July 3, 1865. A duly certified copy of the baptismal record shows that Michael Flaherty, son of John and Mary Flaherty, born January 25, 1849, was baptized January 28, 1849.

The affidavit of Michael P. Flaherty was presented to your committee, and, together with the Senate bill 2204, was referred to the War Department for report and information, and duly answered.

The said affidavit and report from the War Department are as follows, to wit:

STATE OF NEW YORK,

County of Rensselaer, city of Troy, ss :

Michael P. Flaherty, being duly sworn, says he resides corner Fourth and Liberty streets, in the city of Troy aforesaid. That on the 3d day of March, 1865, deponent enlisted in the United States Army, at the city of New York, and was immediately sent on to Petersburg, Va., and assigned to Company H, Ninety-first New York Volunteers. That at the time of such enlistment this deponent was but 15 years of age. That deponent's term of enlistment was for 3 years, or during the war. That while deponent was with said Company H, and at the battle of Gravelly Run, in the State of Virginia, and during the month of April, 1865, deponent was wounded in the right hip while engaged in said battle. That thereafter, and during the month of May, 1865, this deponent was stationed at Arlington Heights with his said company and regiment, waiting to be mustered out of service.

That while there, and on the 22d day of May, 1865, this deponent obtained permission to leave the camp for purposes of recreation; that deponent did thereupon leave the camp and started to take a walk and view the surrounding country; that, as deponent was returning to camp, a heavy rainstorm suddenly set in and deponent was compelled to seek shelter in an old unoccupied barn; while in said barn deponent was suddenly attacked with cramps and ague, and became delirious; that deponent was delirious for 3 days, and upon recovering consciousness learned that he had been discovered in the barn by some people, who had him removed to the house of an old man living but a short distance away; that deponent's sickness continued for at least 2 months thereafter, during part of which he was delirious, and he was unable to walk or leave said house until after his said regiment was mustered out of service, which occurred near Washington, D. C., on the 3d day of July, 1865.

That on the muster roll of said Company H deponent is reported as having deserted near Washington, D. C., May 23, 1865. That immediately upon deponent's recovery from said sickness he proceeded to rejoin his said regiment and then learned for the first time that it had been mustered out of service. Thereupon deponent started for New York City, and upon his arrival there was again attacked with the same sickness, and for a long time thereafter was hovering between life and death. That during deponent's connection with the said company and regiment he was always faithful and attentive to his duties, and never missed a roll call until the 23d of May, 1865. That deponent's extreme youth and serious illness made him overlook the fact that information as to his condition and whereabouts should have been sent to his commanding officer. Deponent further says, that for years past he has frequently advertised for the addresses of the officers of said Company H, and endeavored in other ways to learn their whereabouts for the purpose of corroborating the foregoing statements, but he has been unable to find any of them.

Deponent has also endeavored to find the persons, or any of them, who cared for him during the first sickness above referred to, but all his efforts have been fruitless; that after deponent's sickness in New York City he continued to reside there for 2 years, and then came to this city (Troy), where he has since resided and been in business as a merchant for upwards of 10 years last past.

Deponent respectfully asks that the charge of desertion against him be removed, and that he be granted an honorable discharge.

MICHAEL P. FLAHERTY.

Subscribed and sworn to before me this 12th day of February, 1889.

[SEAL.]

JAMES W. COFFEY,

Notary Public, Rensselaer County, N. Y.

WAR DEPARTMENT,

Washington City, February 6, 1890.

SIR: In reply to your letter of the 4th instant asking for the military record, etc., of Michael Flaherty, as of Company H, Ninety-first New York Volunteers, in whose behalf Senate bill No. 2204, Fifty-first Congress, first session, has been introduced, I am directed by the Secretary of War to inform you that the official records show that this man was enrolled and mustered into service on March 3, 1865, at New York City, for 3 years; that he was assigned to Company H, Ninety-first New York Volunteers, March 14, 1865; that he was present with the company from that date to May 20 or 23, 1865, when he deserted at Washington, D. C., and that thereafter he did not rejoin his company, which remained in service until July 3, 1865.

During the service of this soldier his regiment participated in the following-named battles, to wit, Gravelly Run, Va., March 29, 1865; Hatcher's Run, Va., March 31, 1865; Five Forks, Va., April 1, 1865, and Appomattox, Va., April 9, 1865, but there is no record that he was ever wounded.

Between April 30 and May 16, 1865, the regiment moved from Black and White's Station, Va., to Washington, D. C., and was stationed at the latter place from May 16 to July 3, 1865.

The following are the names of the commissioned and noncommissioned officers of Company H, Ninety-first New York Volunteers, on May 22, 1865: Capt. John B. Collins, First Lieut. John Palmer, Second Lieut. Aaron M. Dederick, First Sergt. Patrick H. Garrity, Sergts. Aaron C. Dresser, Lora Brezee, James Sheehan, and Thomas Gregory; Corporals Jerome T. Ball, Charles B. Campbell, William J. Murphy, Horace Havey, Zachariah See, Henry Kline, and Charles W. Huddleston.

The present post-office addresses of these officers and enlisted men are not known at this Department, but they may possibly be obtained upon application therefor to the Commissioner of Pensions.

The affidavit of Mr. Flaherty is herewith returned.

Very respectfully,

F. C. AINSWORTH,

Captain and Assistant Surgeon, U. S. A.

Hon F. M. COCKRELL,
United States Senate.

This soldier, according to the record, was 16 years old on January 25, 1865, and volunteered in the service on March 3, 1865, and was continuously present with his company, H, Ninety-first Regiment New York Volunteers, from March 14, 1865, up to May 20 or 23, 1865, during which time his regiment participated in four engagements, the last being at Appomattox, Va., April 9, 1865, which practically ended the war.

His regiment reached Washington, D. C., about May 16, 1865, and was mustered out on July 3, 1865, at said place, having remained here between said dates. The fighting of the war was over, and this fact was well known to every soldier of this regiment, and the regiment was in camp awaiting the grand review and muster out.

There could, therefore, have been no probable reason for this young soldier, who had performed his arduous and dangerous duties so faithfully, to desert the service or to absent himself from his company. Numerous very strong testimonials have been presented to your committee showing the high character and standing of this soldier prior and subsequent to his service in the Army, his reliability and truthfulness and integrity of character, which strongly corroborate his own statements as to his sickness and inability to rejoin his company before its muster out.

In view of all the facts and circumstances in this case it is manifest that this youthful boy soldier—called a kid in the company—did not intentionally absent himself from his company without leave with the intention of not returning and rejoining his company, and did not desert his command.

Your committee therefore report the bills back to the Senate and recommend that the Senate bill be indefinitely postponed and that the House bill be passed.

